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ONE HUNDRED SEVENTH CONGRESS

# Congress of the United States

## House of Representatives

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INDEPENDENT

October 18, 2002

His Royal Highness Prince Bandar bin Sultan bin Abdulaziz  
Ambassador  
Royal Embassy of Saudi Arabia  
601 New Hampshire Avenue, N.W.  
Washington, D.C. 20037

Dear Prince Bandar:

I received your letter of October 7, 2002. I would like to start off by saying that your Embassy, under your leadership, was complicit in the kidnapping of Rosemary, Sarah, and Abdulaziz Al-Arifi two years ago, and Machael Heidi Al-Omary five years ago. Let me repeat. Your government was complicit in the kidnapping of three children from Terre Haute, Indiana, and one girl from Jonesboro, Arkansas. This is not baloney. This is fact. I hope plain talk does not offend your Highness.

Your letter of October 7, 2002, reflects the Saudi government's approach to the entire abduction issue. You ignore serious concerns and distort the facts. Given your dismissive attitude, it is no wonder that the Saudi government has not made any progress in freeing the many Americans who have been kidnapped or otherwise held against their will in Saudi Arabia. Despite your apparent aversion to discussing facts, I believe it would be helpful to review the facts uncovered by the Committee in its investigation of this matter to date. They do not cast the Saudi government in a favorable light. Indeed, it is clear that the Saudi government has been complicit in the kidnapping of American citizens, has held Americans against their will in Saudi Arabia, has been responsible for the coercion and intimidation of American citizens, and has distorted the record about its actions. It is also clear that you and your lobbyists have responded to these human tragedies and our interest in these cases with outright deception.

### The Saudi Government's Complicity in Kidnappings

Based on the evidence obtained by the Committee, it is apparent that the Saudi government was complicit in at least two separate kidnappings involving four American citizens. I know that Prince Saud has informed the Associated Press that he is "shocked" and "disillusioned" that I would say this, but those are the facts. In July 1999, the Vigo County (IN)

Superior Court informed the Saudi Embassy and the Saudi consulates in the United States that Joanna Stephenson Tonetti had been divorced from her Saudi husband, Abdullah Al-Arifi, and that she had custody of their three children. The court also informed the Embassy that Mr. Al-Arifi was "expressly prohibited from removing the children from the continental United States," and also required Al-Arifi to surrender the children's passports to the court. Despite this notice, Al-Arifi was able to obtain passports for the children from the Saudi Embassy, and took the children to Saudi Arabia in August 2000. Ms. Tonetti has not seen her children since.

Similarly, in the case of Margaret McClain, the Saudi Embassy was explicitly warned that Ms. McClain's ex-husband did not have custody of their child, Heidi Al-Omary, and should not issue a passport to her. Despite this warning, Mr. Al-Omary was able to obtain a passport for Heidi Al-Omary and take her out of the country. Ms. McClain has been able to see her daughter only once since she was kidnapped.

At no time have you or any other Saudi official disputed these facts. Indeed, Representative Kerns raised this subject with Prince Saud during our meeting on September 1, 2002, and Prince Saud had no response. Similarly, when Michael Petruzzello, your paid representative, was questioned about your government's complicity in these kidnappings, he did not dispute any of the facts. In fact, your government has admitted that the Al-Arifi children were abducted. Talking points distributed by your government to the public in advance of the Committee's October 2, 2002, hearing state that Joanna Stephenson Tonetti's children "were abducted by her Saudi ex-husband in August 2000." (Attachment 1.) Your talking points failed to explain that the kidnapping would have failed had not your own Embassy aided and abetted in the crime. Thus, it is a simple fact that these children have been abducted from the United States with the knowing assistance of the Saudi Government. Neither you nor Prince Saud should be shocked to hear of actions for which your government is responsible. Indeed, I am sure your government knows a great deal more about these cases than either you, Prince Saud, or your lobbyists, have disclosed.

### **The Saudi Government's Role in Keeping Parents from Visiting Their Children**

Beyond being complicit in kidnappings and refusing to return kidnapped children to the United States, the Saudi government is also responsible for keeping American parents from even seeing their children once they are kidnapped. The Saudi government does not allow American parents of kidnapped children to obtain a visa to visit Saudi Arabia unless their Saudi ex-husbands sign letters of "no objection" allowing them to come to the Kingdom. In one case, the Saudi government has taken an even more active role in blocking an American mother from visiting her kidnapped children by bringing criminal charges against her. In the Tonetti case, the Saudi government has charged Ms. Tonetti with "Crimes Against Islam" for remarrying and having a child with a Christian, a crime punishable by death. Therefore, even if Ms. Tonetti were somehow able to obtain a Saudi visa, she could face imprisonment, torture, and even death if she set foot in Saudi Arabia. Again, it is absurd for the Saudi government to claim that this is a private family matter. Its laws are being used to separate a mother from her children, and could be used to execute that mother.

### **The Saudi Government's Purported List of American Kidnappings**

At the conclusion of our September 1, 2002, meeting, Prince Saud produced a purported list of kidnappings of Saudi citizens from Saudi Arabia to America. He asked for the U.S. government's help in resolving these cases. On September 12, 2002, you wrote in the Wall Street Journal that "there are a number of cases involving children abducted by their American parent from the kingdom in violation of court orders." Prince Saud again made a similar claim in a September 17, 2002, letter to Secretary of State Powell. With as much attention as your government had brought to the issue of kidnappings from Saudi Arabia to America, I expected that your government had collected accurate information. However, when I was finally able to obtain a copy of the Saudi government's list of alleged kidnappings from Saudi Arabia (Attachment 2), it became clear that your government's claim was just another false and misleading argument with little or no basis in reality.

- **False Statements Regarding Dria Davis:** Your government first claims that Dria Davis (a.k.a. Yasmeen Al-Shalhoub) was "abducted by her American mother and left the Saudi Arabia [sic] through diplomatic assistance of a U.S. military aircraft." This statement by the Saudi Foreign Ministry is totally false. Dria Davis escaped from Saudi Arabia after being kidnapped to Saudi Arabia by her father in violation of a U.S. court order. She was held in Saudi Arabia for two years, during which time she was beaten, abused, and threatened by her father. Dria has testified under oath that "I would have rather died than to have lived as a woman in Saudi Arabia." It is astounding that Prince Saud would claim that this young woman, who risked her life to escape from Saudi Arabia, was "abducted" from Saudi Arabia.

It is equally remarkable that Prince Saud would claim that Ms. Davis left Saudi Arabia with "diplomatic assistance" on a U.S. military aircraft. The Saudi government first made this bizarre allegation against the U.S. Embassy three years ago. (Attachment 3.) At that time, the U.S. Embassy informed the Saudi government that it had absolutely no role in Ms. Davis' escape from Saudi Arabia, and that Ms. Davis was not taken from Saudi Arabia on a military aircraft. (Attachment 4.) In addition to the State Department's unequivocal statements about the Davis case, Ms. Davis and her mother have both testified under oath that they received no assistance in Dria's escape from either the State Department or the U.S. military. In fact, Ms. Davis' mother testified that she and her daughter laughed for 10 minutes when she first learned that the Saudi government was alleging that Dria was flown out of the country on a military aircraft. While the Saudi government's refusal to acknowledge the obvious facts of the Davis case may at first blush be amusing, it is deeply troubling that your government continues to ignore the facts, preferring to make baseless accusations against the U.S. government. More to the point, when you repeat accusations you know to be absurd, it speaks to your credibility – and the credibility of your government – on all of your representations.

- **False Statements Regarding Jennifer Martin Ajami:** Included on Prince Saud's list of "kidnappings" is the case of Jennifer Martin Ajami. Ms. Ajami's son was kidnapped from the U.S. in 1996 by her Saudi ex-husband. Oddly, the Saudi government has

included this case on a purported list of kidnappings of Saudi citizens from Saudi Arabia, despite the fact that Ms. Ajami's son was kidnapped from the U.S., and is currently being held in Saudi Arabia. According to the information provided by Prince Saud, Mr. Al-Shabrami fears that his son could be abducted from Saudi Arabia by Ms. Ajami. Presumably, the Saudi government believes that the U.S. government should take some action to assuage Mr. Al-Shabrami's fears that his ex-wife will attempt to get her son back after the child was kidnapped. Apparently, it is not enough for the Saudi government to harbor, and in some cases, assist kidnappers, it also sees the need to make certain that Saudi kidnappers do not fear that they will ever be held accountable for their actions.

- **Other Cases On the Saudi List:** We are currently attempting to gather more information regarding the other two cases on your list of alleged kidnappings from Saudi Arabia. It appears that there may be significant factual errors in the Saudi government's description of at least one of those cases.

### **The Saudi Government's Implausible Claim That It Is Not Holding Americans Against Their Will**

Over the past month, your government has repeatedly claimed that it is not holding any Americans against their will. In a September 12, 2002, letter to the *Wall Street Journal*, you stated that "Some have charged that Saudi Arabia is holding Americans against their will. This is absolutely not true." Your government repeated these exact words in briefing papers distributed to Members of Congress and the public in anticipation of the Committee's hearings. It is inconceivable to me that your government would make this claim in the face of the unequivocal evidence to the contrary. If the Saudi government cannot admit that there is a problem, it will never take any action to solve the problem. I will summarize just some of the testimony heard by the Committee, which makes it clear that Americans are being held in Saudi Arabia:

- **Al-Rehaili:** Maha Al-Rehaili escaped from captivity in Saudi Arabia just two months ago. She testified that her sister and brother, who remain in Saudi Arabia, want to leave:

Question: He [Faisal] wants to come to America as well?

Al-Rehaili: Yes, he wants to.

\* \* \*

Question: Does she [Safiah] want to come to America?

Al-Rehaili: She wants to come but she is afraid that she won't be accepted here.

- **Basrawi:** Two months ago, U.S. citizen Ramie Basrawi was allowed to leave Saudi Arabia after being held there for 14 years. Ramie's sister, Suzanne, continues to be held

in Saudi Arabia. Ramie testified that Suzanne wants to leave, but is not allowed to: "my sister want to come here, she can't."

- **Al-Arifi:** Joanna Stephenson Tonetti's three children were kidnapped and taken to Saudi Arabia over two years ago. Ms. Tonetti's sworn testimony makes it clear that her children did not want to go to Saudi Arabia, and that they are being held there against their will:

Question: Did you talk to your children about the possibility that they might be kidnapped?

Tonetti: Yes, I did. I prepared them for it as best I could.

Question: And none of them wanted to go?

Tonetti: None of them wanted to go.

\* \* \*

Question: Are your children, Ms. Tonetti, being held against their will?

Tonetti: Yes, my American children are being held against their will.

- **Al-Omary:** Margaret McClain's daughter, Heidi Al-Omary, was kidnapped from Jonesboro, Arkansas, 5 years ago. Ms. McClain testified before the Committee that "my daughter is a hostage in Saudi Arabia."
- **Other Cases:** Beyond these cases, there are additional cases where American are being held against their will in Saudi Arabia. Many of these Americans are afraid to step forward because they face horrendous physical abuse, and they know that the Saudi government will not stop the abuse, nor will it allow them to leave the country. Furthermore, they see what happens to kidnap victims like Amjad Radwan and Alia and Aisha Gheshayan and then realize that the Saudi government is not acting in good faith. This is a powerful disincentive for them to come forward.

At the Committee's hearing, your paid representative, Michael Petruzzello, was asked to explain your statement that Saudi Arabia is "not holding Americans captive." Mr. Petruzzello was completely unable to defend your claim, which is surprising, given the fact that you pay him \$200,000 per month to defend your positions:

Question: Mr. Petruzzello, do you believe that their children are being held against their will?

Petruzzello: Congressman, I'm not a representative or a spokesperson for the government.

Question: I didn't ask you any other question than the question I just asked you. I asked you, do you believe their children are being held against their will?

Petruzzello: I do not know the details of any of these cases.

Question: That is not what I asked you. . . . [D]o you believe that Ms. Tonetti's children are being held against their will?

Petruzzello: But Congressman, I don't know anything about Ms. Tonetti's children.

Question: So what is your answer?

Petruzzello: That I do not know.

Question: Do you think that she's lying?

Petruzzello: I have no reason to believe that she's lying.

As long as you and other Saudi government officials claim that the Saudi government is not holding Americans against their will in Saudi Arabia, neither I, nor many other Americans will be able to believe the Saudi government's claims that it is working in good faith to resolve this problem.

### **The Saudi Government's Claim That It Cannot Change Its Policies**

Your government has repeatedly claimed that its hands are tied by Saudi law, and that it cannot force the return to America of U.S. citizens who have been kidnapped and taken to Saudi Arabia. This claim is misleading. One of the few benefits of the authoritarian nature of the Saudi government is that is fairly simple to change the laws and policies of the government. For example, until the Congressional delegation arrived in Saudi Arabia in late August 2002, it was the policy of the Saudi government that adult female American citizens could not leave Saudi Arabia without the written permission of a male guardian. Yet on September 1, 2002, Prince Saud announced that the Saudi government had changed its policy, and stated that the government would allow any adult American woman in Saudi Arabia to leave if she wanted to do so. Just as the Saudi government has changed its policy with respect to adult American women – assuming that Prince Saud's statements were accurate – it can change its policies with respect to American children who have been kidnapped and taken to Saudi Arabia. The Saudi government can change its policies so that it can send kidnapped American children back to their homes in the U.S. It could change its policies regarding visitation of children by non-Saudi citizens. It could change its policies so that American citizens do not face execution by beheading if they attempt to visit their children in Saudi Arabia. Indeed, it could even extradite Saudi kidnappers to the U.S. to face trial for the crimes they have committed. It is a simple fact, however, that the Saudi government continues to hide behind the canard that its hands are tied by Islamic law.

### **The Saudi Government's Claim That These Are Private Matters Relating to Saudi Culture and Faith**

In your letter of October 7, 2002, you claim that "how families interact and how they relate to their parents, or their children, is a personal and private matter." You also claim that my criticism of the Saudi government's handling of these matters is somehow rooted in a misunderstanding of Saudi culture, society, and faith. Both of your assertions are dead wrong. It is not a "personal and private matter" when a father kidnaps his children in violation of state and federal laws. Neither is it a "personal and private matter" when a father beats or molests his children. For you to claim that these matters are personal and private suggests why the Saudi government had not provided any assistance to the Americans who are being held, and in many cases, abused, in Saudi Arabia. As long as the captivity and abuse is carried out under the auspices of the Saudi father or husband, your government apparently will defend his actions.

By claiming that my efforts to defend the rights of American citizens somehow denigrate Saudi culture or Islam, you appear to be asserting that kidnapping and child abuse are somehow part of Saudi culture or faith. I believe nothing could be further from the truth. While I was in Saudi Arabia, I met many Saudis who abhorred their government's role in these cases. It is not the Saudi people, culture, or faith that I take issue with. It is the role of the Saudi government in holding American citizens against their will in Saudi Arabia. It is disappointing that you have resorted to name calling rather than addressing the facts before us.

### **The Saudi Government's Claim That It Is Working In Good Faith To Resolve Kidnapping Cases**

You and other senior Saudi government officials have claimed that the Saudi government takes these cases seriously, and is working in good faith to resolve them. Adel Al-Jubeir, the Foreign Policy Advisor to the Crown Prince, told 60 Minutes that he ensured that Amjad Radwan received a passport and exit visa as soon as he learned about the case for the first time in the summer of 2002. Mr. Al-Jubeir's preposterous claim was exposed as a lie on national television when 60 Minutes demonstrated that he had been aware of the Radwan case since 1988, and did nothing to help her between 1988 and 2002. Your government's general claims of good faith appear to be just as hollow as Mr. Al-Jubeir's statements on the Radwan case. For example, your government has admitted that Joanna Tonetti's children were abducted by their Saudi father. Yet, for two years, it has taken no action to return those children to the U.S. Similarly, your government has been aware for months that Michael Rives' children are being held in Saudi Arabia despite the fact that they are not Saudi citizens. Yet, it has taken no action to return the Rives children to their rightful home.

It is highly illustrative that in discussions with Committee staff, your lobbyists have expressed their own skepticism regarding the truthfulness of your government's statements. If your own highly compensated employees do not believe you, why should anyone else?

### **The Saudi Government's Claim That It Wants to Work With the Committee**

Your government and its representatives have claimed that they want to work with this Committee to try to resolve this matter. However, there has been no serious effort to negotiate with the Committee staff or respond to the Committee's requests. I will list here just several of the ways that the Saudi government has engaged in gamesmanship rather than working with the Committee:

- When the Congressional delegation left for Saudi Arabia to request that the Saudi government allow kidnapped Americans to return to the U.S. to meet with their American parents, the Saudi government decided to send the two most well-known American kidnap victims, Alia and Aisha Gheshtyan, to London. This was clearly timed to coincide with the delegation's visit and to undermine the delegation's efforts. Your government knew that the delegation would make a commonsense request. Nevertheless, it took steps to undermine the delegation's request before it was even officially made.
- When Adel Al-Jubeir was interviewed by 60 Minutes, he stated that he was disappointed that the Committee did not invite him to testify about this issue. He also suggested that the Committee's failure to invite him to testify demonstrated some sort of bias. When I heard of Mr. Al-Jubeir's concerns, I immediately invited him to testify. Of course, Mr. Al-Jubeir rejected my invitation. Therefore, it appears that Mr. Al-Jubeir was more interested in criticizing my motives than in actually presenting the Saudi government's position before the Committee. Your efforts to politicize this issue are a well-known Capitol Hill tactic, but they are disturbing in the context of kidnapped children and their traumatized parents. More important, given the bipartisan concern regarding this issue, your tactics are destined to fail.
- The Saudi Embassy asked to meet with Joanna Stephenson Tonetti on October 2, 2002, while she was in Washington to testify before the Committee. Concerned that she would be bullied into an agreement while meeting with the Saudi officials, Ms. Tonetti requested that I accompany her to the meeting. The Saudi officials stated that they would not meet with Ms. Tonetti if I was present at the meeting. Faced with this threat, Ms. Tonetti agreed to meet with the Saudi officials alone. While Ms. Tonetti was able to face the Saudi officials and reject their hollow offers by herself, the unwillingness of your government's representatives to even sit in the same room with me does not speak well of their willingness to work with me.
- While I was in Saudi Arabia, your Foreign Ministry officials repeated the absurd allegation that I had offered Amjad Radwan \$1 million to return to the United States. Prince Saud claimed that Amjad Radwan and her husband had made this allegation to the Foreign Ministry, and informed the Saudi government that they would stay in Saudi Arabia if the Saudi government paid them more. By repeating this preposterous allegation on a number of occasions, the Saudi government has used it in a heavy-handed attempt to discredit me and Amjad Radwan.



- When I met with Prince Saud in Jeddah, I suggested that my staff meet with his staff to discuss specific kidnapping cases. Prince Saud refused, suggesting that he preferred to deal with the State Department. Again, it is difficult to see how the Saudi government intends to work with the Committee when it will not even meet with Committee staff.

### **The Saudi Government's Misleading Statements Regarding the Number of Kidnapping Cases**

Your government claims that there are only six outstanding child abduction cases in Saudi Arabia. This claim, like the others I have reviewed in this letter, is misleading. When my staff met with your representatives in Washington prior to the delegation's trip, and when I met with Prince Saud, we provided the names of specific cases which were of special concern to the Committee. However, we always made it clear that these were not the only cases in which Americans were being held in Saudi Arabia. While I was in Saudi Arabia, I met with one American who, with her children, is being held against her will in Saudi Arabia. I have not provided her name to you, however, because she would face severe retaliation if I did so. There are many other similar cases, estimated by State Department personnel in Saudi Arabia to number in the hundreds. None of these cases will be resolved until the Saudi government takes tangible steps to change the way its laws are applied to Americans, and allows American citizens to leave Saudi Arabia freely. It is not productive for the Saudi government to claim that there are only five cases when it knows that there are many more. Moreover, there has not been any indication that the Saudi government would solve five cases, much less the hundreds that likely exist.

### **Conclusion**

I have taken the time to write this detailed response because I believe that the facts are important. I have now written several long and detailed letters to you and other Saudi officials. I have held three days of hearings. I have traveled to Saudi Arabia. I have done all of this so that the facts can be made clear to you and your government. Those facts are simple. Many Americans have been kidnapped and taken to Saudi Arabia. In some cases, the Saudi Embassy has been complicit in these kidnappings. Absent a change of policy from the Saudi government, many of these kidnapped Americans will never be permitted to return home. Instead of facing these facts and agreeing to solve the problem, the Saudi government has refused to admit that there is even a problem. It has refused to admit its complicity in kidnappings. And most importantly, it has refused to take any forward steps to solve the problem.

Rather than addressing the problem, your government has made misleading statements in an attempt to deflect its responsibility in this matter. It has also sent a bevy of high-priced lobbyists to talk to Members of Congress without giving those lobbyists truthful information. While those lobbyists themselves need to come to terms with their own culpability in this tragic issue, it is inexcusable that you would permit them to represent your interests without fully informing them of the facts. Your government's actions in this matter have undermined its credibility on all matters. For example, just yesterday, *The New York Times* published a lengthy article about Saudi individuals and charities funding terrorist groups. (Attachment 5.) Today,

His Royal Highness Prince Bandar bin Sultan bin Abdulaziz

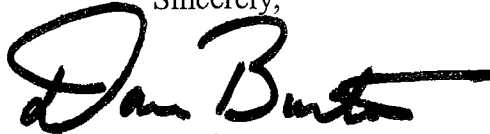
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*The Washington Post* stated that "the kingdom remains Al Qaeda's biggest source of funds." (Attachment 6.) If your government is prepared to be so bold in its misstatements about kidnapped Americans, why should we believe your response to allegations regarding the September 11 hijackers or terrorist funding?

I hope that now that I have laid out the facts, that your government will finally take responsibility for its actions and begin to undo the damage it has done to American citizens.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Burton". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Dan Burton  
Chairman

cc: President George W. Bush  
Secretary of State Colin Powell  
Attorney General John Ashcroft  
Hon. J. Dennis Hastert  
Hon. Dick Armey  
Hon. Tom DeLay  
Hon. Richard Gephardt  
Hon. Nancy Pelosi  
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Members, Committee on Government Reform  
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Hon. Rick Santorum